

**USDI, Bureau of Land Management
Andrews Resource Area, Burns District**

**DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
for
HIGH DESERT OUTFITTERS
SPECIAL RECREATION PERMIT
OR-020-RP-99-07

ENVIRONMENTAL ASSESSMENT
OR-020-03-039**

INTRODUCTION:

High Desert Outfitters (HDO), operated by Chuck Messner, has held Districtwide, commercial Special Recreation Permits (SRPs) for hunting, fishing, and scenic tours in the Burns District since 1987. Under their current permit, SRP #OR-020-RP-99-07, most of HDO's activities occur on public land in and around the Steens, Pueblo, and Trout Creek Mountains, including Steens Mountain Wilderness and Wilderness Study Areas (WSAs) in those areas. The last reported nonhunting trip was in 1991. HDO also has SRPs issued by the Lakeview, Winnemucca (NV) and Susanville (CA) Districts of the Bureau of Land Management (BLM), the Fremont National Forest, and the U.S. Fish and Wildlife Service for Hart Mountain and Sheldon Refuges.

Issuance of SRPs for historic use in the Steens Mountain Wilderness is in conformance with Section 115 of the Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000.

While the Andrews Management Framework Plan (MFP) is silent concerning the proposed action and alternative, it is a stated objective of the MFP to "Provide a variety of recreation opportunities. . . " (p. 7). The Three Rivers Resource Management Plan (RMP) is also silent for the proposed action and alternative. However, one Recreation objective includes the specification to "provide for unstructured outdoor recreation activities with the necessary . . . services." Issuance of a permit would be in compliance with all State, local, and tribal government laws, regulations, and land use plans.

SUMMARY OF PROPOSED ACTION AND ALTERNATIVE:

The Proposed Action would allow the permittee to add horse use to continue current operations and would allow for reasonable business growth over the next year. HDO would conduct hunting and fishing trips and hiking and scenic tours primarily in the Steens Mountain Area, however, their SRP is for the entire Burns District. Proposed new activities are hiking and

horseback tours. Detailed descriptions of how specific activities would be done can be found in the amended operations plan in the BLM case file.

The No Action Alternative would allow the permittee to continue operations at the same level as at the time of enactment of the Steens Act. HDO would continue to operate hunting, fishing, and scenic tours. Horse use and hiking tours would not be allowed.

DECISION:

As a result of the environmental analysis presented in the Environmental Assessment (EA), it is my decision to approved the Proposed Action. The rationale for the FONSI supports this decision. The Proposed Action, coupled with the mitigation measures detailed in the EA and FONSI, has led to my decision that all practicable means to avoid or minimize environmental harm and to protect wilderness values have been adopted. Selection of the No Action alternative would not provide for resource protection. This decision is consistent with the Andrews MFP (1982) and the Three Rivers RMP (1991).

All resources have been evaluated for cumulative effects. It has been determined that cumulative effects would be negligible for all resources.

FINDING OF NO SIGNIFICANT IMPACT:

Based on the analysis of potential environmental impacts detailed in the attached Environmental Assessment (EA), I have determined that approval of the Proposed Action, when coupled with the mitigation measures presented and detailed in the EA, will not have a significant impact on the human environment and preparation of an Environmental Impact Statement is not required. The Proposed Action and No Action Alternative are in conformance with the Steens Act and the Wilderness Act.

Rationale:

The activities described in the proposed action, will, as best can be determined, not cause unnecessary and undue degradation of public land. Resources analyzed in the EA include Areas of Critical Environmental Concern (ACECs); Cultural Resources; Migratory Birds; Noxious Weeds; Threatened, Endangered, and Special Status Species; Wetlands/Riparian Zones; Wild and Scenic Rivers (WSRs); Wilderness/WSAs; Recreation; Socioeconomics; and Wildlife. Effects to these resources are considered nonsignificant (based on the definition in 40 CFR 1508.27) for the following reasons:

ACECs: Using existing trails and controlling saddle and pack stock would minimize effects to Burns District ACECs.

Cultural Resources: Cultural resources could be affected if the campsites are located on or near cultural sites. Disturbances could include digging of fire pits or toilet pits and/or collection of artifacts. As described in the mitigation below, archaeological inventories will be conducted at campsites in order to minimize these effects.

Migratory Birds: Effects to migratory birds would either be short term or minimized through permit stipulations.

Noxious Weeds: The potential for spread of noxious weeds is always present, but the routes and trails would be monitored and treated, if needed, and would be minimized through preventative measures.

Threatened, Endangered, and Special Status Species: Effects to Threatened, Endangered, and Special Status Species would either be short term or would be minimized through permit stipulations.

Wetlands/Riparian Zones: Any effects would be short term and would be minimized through the use of existing trails and campsites.

WSRs: Effects to the Donner und Blitzen WSR system would be short term and would be minimized through the use of existing trails and campsites.

Wilderness/WSAs: There would be short-term effects to naturalness, solitude, and primitive and unconfined recreation in the Steens Mountain Wilderness and/or the WSAs. Some recreationists could be temporarily displaced to other locations within or outside of these areas.

Recreation: Some recreationists could be temporarily displaced to other parts of the Steens Mountain Wilderness, Steens Mountain Cooperative Management and Protection Area, or other areas of the Burns District.

Socioeconomics: The permittee would contribute directly and indirectly to the Harney County economy.

Wildlife: Wildlife displacement and habitat disruption would be short term and would be minimized through the use of existing trails and campsites.

Mitigation Measures:

Approval of this proposal is subject to the following mitigation measures which will be included as stipulations attached to the SRP.

ACECs: Vehicle use in ACECs will conform to the current Off-Highway Vehicle designation. Camping, grazing, and firewood collection in the Little Blitzen and Rooster Comb Research Natural Areas (RNAs)/ACECs will not be allowed. All saddle and pack

stock will be kept on existing trails.

Cultural Resources: Traditionally used campsites will be inventoried and assessments will be made. If it is determined cultural resources are being threatened or damaged, further mitigation will be undertaken.

Migratory Birds: Camping will be limited to established campsites that are appropriate for group use. Permittee will be aware of nesting activities and will avoid disturbing nesting birds from April 15 to July 15. Permittee will be notified of specific nesting areas as part of the pre-trip notification process. Saddle and pack stock will be picketed as far as possible away from water sources.

Noxious Weeds: Feed brought in for the saddle and pack stock will be weed-free. As sources become available, saddle and pack stock will be fed weed-free feed for 3 or more days prior to entry to BLM land. To ensure that noxious weed seeds are not spread from other areas, all vehicles and equipment will be cleaned prior to entry onto Burns District land. If permittee camps in or travels through noxious weed-infested areas, equipment and vehicles will be cleaned on-site. Manure from trailers will not be swept out onto Burns District land. Weed identification booklets and information will be given to the permittee. The permittee is requested to notify the BLM of the location(s) of any noxious weeds found.

Threatened, Endangered, and Special Status Species: Saddle and pack stock will be picketed, tethered, or allowed to graze freely as far as possible away from water sources. All human waste will be packed out on vehicle-supported trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. All camps will be in previously disturbed areas or done with minimal disturbance.

Wetlands/Riparian Zones: Saddle and pack stock will be picketed, tethered, or allowed to graze freely as far as possible away from water sources. All human waste will be packed out on vehicle-supported trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. Down trees will not be removed from streambanks.

Wilderness: All permittee activities will incorporate "Leave No Trace" practices. Hunters will travel single file on defined trails. They will spread out where no trails exist. Cat holes will be used for solid human waste when traveling on foot. All toilet paper will be packed out. All firewood will be "dead and down" - no collection from standing trees.

Recreation: All human waste will be packed out on vehicle-supported trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. Saddle and pack stock will not be tied to trees or riparian vegetation overnight. They may be tied to trees for loading, unloading, or brief stops.

Wildlife: All camps will be at least one-quarter mile away from isolated water sources to allow wildlife access. Saddle and pack stock will be picketed, tethered, or allowed to graze freely as far as possible away from water sources.

Monitoring:

In addition to standard BLM monitoring of the SRP for compliance with permit stipulations, the following monitoring will be conducted.

ACECs: RNAs will be visually monitored periodically for natural or human-caused disturbances. Key plant species will be monitored at specific sites to determine changes in population health.

Cultural Resources: Traditionally used campsites will be inventoried and any effects will be measured.

Migratory Birds: Bird monitoring transects will be established according to protocol along riparian areas used by the permittee.

Noxious Weeds: BLM will monitor the areas used for camping and parking for the presence of new or spreading noxious weeds.

Threatened, Endangered, and Special Status Species: Ongoing monitoring of known Columbia spotted frog populations will continue.

Wilderness/WSRs: Wilderness and WSR monitoring will be based on the nondegradation mandate and the protections of Outstandingly Remarkable Values. A wilderness/WSR monitoring plan is currently under development to look at and evaluate both commercial and public use of these resources.

Wildlife: Oregon Department of Fish and Wildlife big game count data will be used as an indicator of effects to wildlife.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named

in this decision and to the Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success of the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Signature on file
Karla Bird
Andrews Resource Area Field Manager

September 24, 2003
Date

Signature on file
Joan M. Suther
Three Rivers Resource Area Field Manager

September 24, 2003
Date